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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,601	01/04/2001	Kenji Masaki	018775-813	1564

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EXAMINER

JACKSON, JENISE E

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/753,601

Applicant(s)

MASAKI, KENJI

Examiner

Jenise E. Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 3-4 is/are allowed.
- 6) ☒ Claim(s) 2, 5-9 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 5, 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Kakiuchi et al.(6687017).

3. As per claims 5, 7, Kakiuchi et al. discloses an output method used in an output system having a data processing device and an output device for outputting data in a specific format(see col. 4, lines 61-67, col. 5, line 1), which is sent from the data processing device(fig. 1 sheet 1, and associated descriptions), determining whether a print request instructs data to be sent to the output device from the data processing device via printer driver software incorporated in the data processing device(see col. 4, lines 20-31, col. 9, lines 54-65, col. 10, lines 26-33, col. 12, lines 19-30).

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 2, 6, 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Nagashima et al(5581613).

5. As per claims 2, 6, and 8, Nagashima et al. discloses a first data modifier(i.e. encryption) for modifying data processed by the driver software that is to be output by the output device,

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provided on the data processing device(see col. 3, lines 35-45); a second data modifier(i.e. decryption) provided on the output device that performs modification on all data received at the output device that is to be output by the output device(see col. 3, lines 22-32), regardless of whether the received data has been modified by the first modifier, such that received data processed by the driver software is returned to its unmodified form and other received data remains modified(see col. 3, lines 50-67, col. 4, lines 1-13).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 9, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagashima(5581613) in view of Francis(6362893).

8. As per claims 9, 11, Nagashima discloses encrypting output data from an application program run on the data processing device, and outputting the encrypted data to the output device(see col. 3, lines 11-32). Nagashima does not disclose a specific password for output data. Francis discloses a specific password for output data(see col. 4, lines 16-20). It would have been obvious to one of ordinary skill in the art at the time of the invention to include a specific password for output data of Francis with Nagashima, because entering the password allows the printer to be used, and thus data can be outputted via the printer driver(see col. 4, lines 16-30, 62-67, col. 5, lines 1-6 of Francis).

9. As per claims 1, 3-4 are allowable for the reasons listed below:

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10. The prior art of record does not disclose or suggest, Claim 1, “second controller responsive to the first controller, and bypassing the print driver”. The prior art such as Francis discloses a password usage of the smart card key is to enable printing by a selected identification card. There is no disclosure or suggestion of a second controller or bypassing the print driver. Also, prior art discloses preventing printing forgery or counterfeit documents or monies from being printing, but disclose a single controller, there is no disclosure of two controllers, with one controller determining if data bypasses the print driver. As per claim 3, allowable, for prohibiting controller for prohibiting data bypassing the driver software to be output to the output device, setting a value which is different from an ordinary value for outputting data to the output device. Francis discloses preventing printing if the smart card key is not the correct key. However, there is no disclosure of bypassing the print driver, or setting a value for outputting data.

Response to Applicant

11. As per the 112 rejection, stated in previous office action the rejection has been withdrawn. Applicant argument was persuasive.

12. Claims are to be given the broadest reasonable interpretation. Thus, an example of such is claim 5. Claim 5, contains a condition, the condition is an **or** statement. Thus, the Examiner has rejected the claim based on the first condition. Thus, the limitation of prohibiting data from being sent to the output device if the print request instructs data to be sent to the output so as to bypass the printer driver software”, is excluded because the condition above in claim 5 has and or in which the Examiner rejected the claim with the first condition. The 112 rejection has been

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withdrawn because Applicant refers to the first and second modifiers as The Applicant states that Francis does not disclose a first and second modifier.

13. The Applicant claims a first modifier and a second modifier, the Examiner has relied on Nagashima for these features. These features are also consistent with the specification, the Applicant has also pointed out that the first and second modifier are encryption and decryption based on the Applicant's reference to figures 5 and 6.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenise E. Jackson whose telephone number is (571) 272-3791. The examiner can normally be reached on M-Th (6:00 a.m. - 3:30 p.m.) alternate Friday's.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



October 12, 2006



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